

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PHASE II CHIN, LLC and LOVE & MONEY, LLC, (formerly dba O.P.M.L.V., LLC), } CASE NO.: 2:08-cv-162-JCM-GWF

Plaintiffs

VS.

CASE NO.: 2:08-cv-162-JCM-GWF

**STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER**

FORUM SHOPS, LLC, FORUM
DEVELOPERS LIMITED
PARTNERSHIP, SIMON
PROPERTY GROUP LIMITED
PARTNERSHIP, SIMON
PROPERTY GROUP, INC.,
CAESARS PALACE CORP, and
CAESARS PALACE REALTY
CORP.,

Defendants.

SPECIAL SCHEDULING REVIEW REQUESTED

Pursuant to, and in compliance with Local Rule 26-1 of the Rules of Practice of the United States District Court for the District of Nevada and the Court's Order of July 3, 2008, the parties hereby submit this stipulated Discovery Plan and Scheduling Order.

1. DISCOVERY CUT OFF DATE:

A. The first Defendants to answer or otherwise appear were Defendants Forum Shops, LLC, Forum Developers Limited Partnership, Simon Property Group Limited Partnership and Simon Property Group, Inc. on March 17, 2008. Defendants Caesars Palace Corp and Caesars Palace Realty Corp. first appeared in this action on July 1, 2008.

B. The parties require 270 days to conduct discovery. Ninety (90) additional days are required for discovery due to the number of depositions required (estimated 20 to 30), the complexity of the issues and a five month stipulated stay.

1 C. Discovery shall close 270 days after the Court enters its ruling on the current
2 Motions to Dismiss. For purposes of fixing the calendar dates required by LR 26-1, it is
3 assumed that the Court will enter its ruling on the current Motions to Dismiss on September 1,
4 2008. It is anticipated, however, that if the ruling is entered significantly after that date, one or
5 more of the parties may request that the dates set forth herein be modified. Nothing herein
6 precludes any party from requesting a further modification of the dates set forth herein for
7 appropriate good cause. Subject to the foregoing, discovery shall close May 30, 2009.

8
9 D. Discovery shall not begin until the current Motions to Dismiss are decided.

10
11 E. Initial discovery disclosures are due July 23, 2008.

12 **2. AMENDING THE PLEADINGS AND ADDING PARTIES**

13 The last day to file motions to amend the pleadings or to add parties shall be March
14 1, 2009.

15 **3. DISCLOSURE OF EXPERTS**

16 A. The last day to disclose experts shall be March 31, 2009.

17 B. The last day to disclose rebuttal experts is April 30, 2009.

18 **4. DISPOSITIVE MOTIONS**

19 The last day to file dispositive motions is June 29, 2009.

20 **5. PRETRIAL ORDER**

21 A. The joint pretrial order shall be filed on or before July 29, 2009.

22 B. If dispositive motions are filed, the date for filing the joint pretrial order shall be
23 suspended until thirty (30) days after the decision on the dispositive motions or until further
24 order of court. The pretrial disclosures required by Federal Rule of Civil Procedure 26(a)(3) and
25 any objections thereto are to be included in the pretrial order.

26

27

HUNTERTON & ASSOCIATES

GEWERTER LAW OFFICES

/s/ Pamela R. Lawson
C. Stanley Hunterton (#1891)
Pamela R. Lawson (#5044)
333 S. Sixth Street
Las Vegas, NV 89101
Nevada Attorneys for Plaintiff
Phase II Chin, LLC

/s/ Harold P. Gewerter
Harold P. Gewerter (#499)
5440 W. Sahara Ave., Third Floor
Las Vegas, NV 89146
Nevada Attorneys for Plaintiff
Love & Money, LLC

LIONEL SAWYER & COLLINS

MORRIS PICKERING & PETERSON

/s/ Charles H. McCrea, Jr.
Samuel S. Lionel (#1766)
Charles H. McCrea, Jr. (#104)
300 S. Fourth Street, #1700
Las Vegas, NV 89101
Nevada Attorneys for Defendants
Forum Shops, LLC, Forum Developers
Limited Partnership, Simon Property Group
Limited Partnership and Simon Property
Group, Inc.

/s/ Kristina Pickering
Kristina Pickering (#992)
Jean-Paul Hendericks (#10079)
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101
Attorneys for Defendants
Caesars Palace Corp. and *Caesars Palace Realty Corp.*

DATED this _____ day of July 2008.

ORDER

IT IS SO ORDERED.

Dated : July 2008.

DISTRICT COURT JUDGE